

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KIMBERLY STINES,

Plaintiff,

v.

ALVARO SANCHEZ, et al.,

Defendants.

21-CV-7884 (DEH)

**ORDER**

DALE E. HO, United States District Judge:

In a status letter filed December 6, 2023, the parties stated that the deposition of Michelle Sweeney, a non-party witness, occurred on November 29, 2023, and would be continued at a later date. *See* ECF No. 105.

On April 3, 2024, Chambers received a telephone call from Ms. Sweeney. Ms. Sweeney states that Plaintiff recently noticed a further deposition of her on April 15, 2024, at 11:00 A.M. She states that being deposed at this time would pose serious hardship for her, as she is a single mother and works an hourly job that may terminate her employment if she is required to attend. She also states that, at her deposition in November, counsel for all parties agreed that she would be deposed only in the evenings on Monday through Wednesday or on weekends, and that she is willing to give further deposition testimony, provided it occurs during one of these windows. Finally, Ms. Sweeney alleges that Plaintiff's counsel has engaged in harassing behavior towards her, including stating that Ms. Sweeney is "hysterical" and "a lying little bitch," and has threatened to involve the federal Marshals to compel her attendance at her deposition at the noticed time.

It is hereby **ORDERED** that Plaintiff shall file a letter on ECF by **April 5, 2024**. The letter shall explain counsel's efforts to schedule Ms. Sweeney's deposition at a time convenient

to her, in light of Federal Rule of Civil Procedure 45(d)(1)'s requirement that counsel take "reasonable steps to avoid imposing undue burden or expense on the person subject to [a third-party] subpoena." The letter shall also address Ms. Sweeney's allegations regarding counsel's behavior, which the Court takes very seriously. Defendants may, but are not required to, file a letter regarding these matters by **April 5, 2024**.

The Clerk of Court is respectfully directed to mail a copy of this order to Ms. Sweeney at the address to be provided by Chambers. Chambers will also email a copy of this order to Ms. Sweeney.

SO ORDERED.

Dated: April 4, 2024  
New York, New York



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DALE E. HO  
United States District Judge